



Department of Water Resources (DWR)
Division of Flood Management
Flood Control Subventions
June 20, 2008

Presentation to the Central Valley Flood Protection Board Regulations Implementing AB1147 State Financial Assistance For Flood Management Projects and Small Flood Management Projects

Purpose of this Presentation

This presentation informs the Board of proposed regulations that will implement the requirements imposed by AB1147 flood management legislation.

What are Subventions?

Subventions.

Definition:

Noun: to grant financial aid as from a government to an institution;
or, the act or process of providing aid or help of any sort.

Verb: to guarantee financial support.

Subventions are payments that are reimbursed to local agencies to aide in the construction of new flood management projects. The DWR subventions program participates in a cost-sharing process with the sponsors of federally authorized flood management projects located outside the State Plan of Flood Control.

Subventions Historical Background

The National Flood Control Program, enacted in 1936, required nonfederal interests to pay all of the costs of rights-of-way and relocations for channel improvements and levee projects. In 1945, State law was revised to provide the local agencies with a total reimbursement for those project costs. Thus, the subventions program began. In 1973, State law revised these reimbursements to a cost sharing

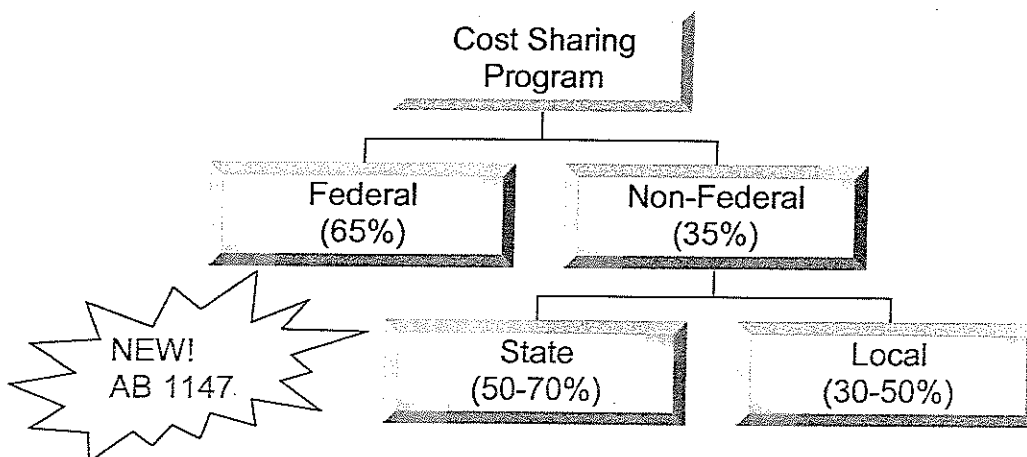
between the State and local agency for flood damage prevention features, and recreation, fish and wildlife enhancement features. In 1988, State law was modified to reflect changes in federal policy. On January 1, 2002, AB1147 amended the State law. Thereafter, flood management projects needed to meet prerequisite requirements prior to State approval, and, project reimbursements were based upon a cost sharing that encouraged multipurpose objectives.

AB1147 Law

The following AB1147 project eligibility prerequisites were added to Water Code section 12582.7(a):

1. The project must be federally authorized and qualified for federal financial assistance.
2. The total annual benefit from flood protection must be greater than the annual cost allocable to flood management. Projects that will increase the level of flood protection for State transportation or water supply facilities may be determined to be exempt from this benefit/ cost rule.
3. A floodplain management plan must be prepared, adopted and implemented to reduce the impact of future floods.
4. Any impacts to environment and recreational values must be avoided, minimized or mitigated.
5. The planning documents must evaluate opportunities to include multipurpose objectives.

The State's nonfederal cost share changed from a fixed 70% to a variable percentage, ranging from a minimum of 50% to a maximum of 70%, and depending on the project's significant contributions to any of the five AB1147 multipurpose objectives.



The AB1147 objectives relate to the protection, enhancement, or creation of important habitats, open space, and recreational opportunities, and, increased flood protection for impoverished areas and State transportation and water supply facilities. The intent of the AB1147 law was to encourage the development of multipurpose flood management projects where opportunities may exist.

How AB1147 Affects the Central Valley Flood Protection Board (Board)

Water Code section 12585.7(e)(2) mandated DWR mandated to develop regulations for evaluating a project's contribution to the objectives and to provide a method of determining the recommended State cost share. In Water Code sections 12582.7 and 12585.7, DWR and/ or the Board are required to encourage, evaluate and report upon the AB1147 multipurpose objectives for each project.

In the proposed regulations, project responsibility was given to DWR and the Board as follows:

- (a) Board - lands along the Sacramento and San Joaquin River and their tributaries and distributaries for which the Board has given assurances to the federal government or will provide the State cost sharing.
- (b) DWR – everywhere else.

State Cost Share Criteria

Water Code section 12585.7(d), outlined the AB1147 multipurpose objectives criteria for 'significant' contributions. The proposed regulations define a significant level of commitment as a percentage of costs or an increase in flood protection. The State will evaluate if the project provides a significant contribution to the following objectives:

1. The Habitat objective requires that a percentage of the project's non-Federal capital costs are contributed towards protecting, creating, enhancing, or providing opportunities for enhancing endangered species, riparian, aquatic, terrestrial, or other important habitats.
2. The Open Space objective requires that at a percentage of the project's non-Federal capital costs are contributed towards the acquisition and preservation of agricultural or other undeveloped lands that provide for the conveyance and/ or storage of flood waters, groundwater recharge, recreational, or wildlife habitat use.
3. The Recreation objective requires that a percentage of the project's non-Federal capital costs are contributed towards recreational improvements such as picnic areas, foot and bike paths and provides public access to all or nearly all of the project works, except those areas where public access would constitute a threat to public safety or habitat or would constitute a trespass on private property.
4. The Impoverished Area objective requires that 1) the benefited area receives a 10% increase in flood protection and 2) the benefited area's median household income is less than 120% of the poverty level. Using demographic information from the U.S. Census Bureau or American Community Survey websites, or, other qualified sources, the median household income is determined for the project's affected area and compared to 120% of that year's poverty level. The poverty level is taken from the U.S. Census Bureau's Poverty Threshold Chart.
5. The State Facilities objective requires that applicable State transportation or State water supply facilities receive a 10% increase in flood protection.

Qualified transportation facilities are State or federal expressways, freeways, and highways. Qualified State water supply facilities are State Water Project aqueducts, hydroelectric or power plants, reservoir or dams, and other important water supply facilities.

The recommended State cost share is a baseline 50 percent plus the recommended percentage increases for the multipurpose objectives, up to a maximum total of 70 percent. The recommended percentage increases will be tallied as follows:

- (a) 0 percent, if the objectives are not met;
- (b) 5 percent threshold for each Habitat, Open Space, or Recreation significant contribution when at least 5 percent and less than 10 percent of the nonfederal capital costs are spent for meeting an objective;
- (c) 10 percent maximum for each, Habitat, Open Space or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least 10 percent;
- (d) 10 percent for each Impoverished Area or State Facilities objective significant contribution.

Evaluation Process

The State's cost share evaluation process has the following steps:

1. The local sponsor notifies the State when it intends to participate in a federal feasibility study that would request State cost sharing for a flood damage reduction project.
2. During the federal feasibility study, the State provides guidance to the sponsor for the project's multipurpose opportunities:
 - 2a. State staff attends a site inspection tour.
 - 2b. Within 120 days of that tour, the State provides the sponsor with a written preliminary determination of eligibility for State participation and an estimated percentage of the State cost share.
3. The State provides an explanation of the project's estimated contribution and the percentages of nonfederal capital costs assigned towards each of the multipurpose objectives.
4. After the project is federally authorized, the sponsor submits a Nonfederal Cost Sharing Report to the State for determination of completeness and accuracy.
5. Within 30 days of that determination, the sponsor circulates the Report to the Legislature and other interested parties, and will allow written comments for 45 days.
6. The Sponsor submits the Report to the State along with supporting documentation.
7. The State approves a final recommended State cost share and forwards the Report and supporting documentation to the Legislature.
8. The Legislature authorizes the State cost share for the project.

Status of the Rulemaking Process

The regulations were approved by Secretary Chrisman on April 30, 2008. The regulations were submitted to the Office of Administrative Law (OAL) for adoption on June 3. A public comment period extends from June 13, 2008 to July 28, 2008. Comments are being accepted during this 45 day period when the public and other interested parties can provide feedback. The proposed regulations are available on the DWR website (<http://www.fcpsubventions.water.ca.gov/index.cfm>).

**STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
1416 9TH STREET
SACRAMENTO, CA 95814**

**DIVISION 6, PART 6, CHAPTER 1, ARTICLE 3, OF THE CALIFORNIA CODE OF
REGULATIONS
REGARDING FINANCIAL ASSISTANCE FOR FLOOD MANAGEMENT PROJECTS
AND SMALL FLOOD MANAGEMENT PROJECTS**

INITIAL STATEMENT OF REASONS

Delegation of Rulemaking Authority

Assembly Bill No. 1147 (AB 1147) was approved by the Governor on September 30, 2000. The legislation changes the requirements for State participation in flood management projects authorized or approved beginning January 1, 2002. Among many changes AB 1147 revises Water Code Section 12585.7. The revised Water Code now establishes requirements for flood management projects to qualify for State financial assistance, and requires the recommended increase in State cost sharing to be included in that report. This section also changes the level of available State financial assistance from 70 percent to 50 percent with up to an additional 20 percent cost share available based on the project's contribution to any of the five objectives specified in the legislation. The objectives relate to habitat, open space, recreational opportunities, communities at or near poverty level, and State transportation and water supply facilities. AB 1147 also requires the Department of Water Resources (Department) to develop regulations specifying the criteria to determine the value of a project's contribution to those objectives. The purpose of the proposed rulemaking is to provide the required regulations in accordance with Legislative intent.

Special Considerations

An agency must find that no alternative would be more effective in carrying out the purpose for which a regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation. The proposed regulations are necessary to provide an evaluation process for determining the increase in State cost share on a consistent basis.

A rulemaking agency must:

- Determine whether the proposed regulation "may have," or "will not have" a significant, statewide adverse impact directly affecting business. The agency must solicit alternatives if it "may have";

- Describe the potential cost impact of a proposed regulation on a representative private person or business, if known;
- Assess whether and to what extent the proposed regulation will create or eliminate jobs and businesses;
- Find that any business reporting requirement is necessary for the public health, safety, or welfare; and
- A rulemaking agency must state whether a proposed regulation affects small business.

The proposed regulations deal exclusively with relationships between State government and local government. Therefore, these proposed regulations will not have a significant, statewide adverse impact directly affecting business; either create or eliminate jobs and businesses; or require business reporting. These proposed regulations will not affect small businesses.

A rulemaking agency must consider the substitution of performance standards for prescriptive standards. The performance approach is thinking and working in terms of the ends rather than the means. Performance standards address a specific level of, and method for, achievement. A performance standard was used when it met the standards for proposed regulation. Prescriptive standards were used when they were easier to apply, because they are simplified approaches which generally apply to many situations.

A rulemaking agency must state whether a proposed regulation differs from a federal statute or regulation and avoid unnecessary duplication or conflict. The proposed regulations deal exclusively with relationships between State government and local government. There is no known existing or comparable federal regulation or statute. The Department has proposed regulations that are consistent with federal statutes and regulations, and avoid unnecessary duplication or conflict.

If a rulemaking agency makes a determination regarding significant effect on housing costs it must include the determination in the notice. An approved project can increase housing costs because improved flood protection raises the potential market value of housing, however, in many cases, the improved flood protection reduces the cost of flood insurance. These proposed regulations only provide a method for determining the State's reimbursement for part of the project; they do not approve a project.

The following principles guided the development of the proposed regulations:

1. Must be easily understandable;
2. Be the least burdensome, effective alternative; and
3. Cannot alter, amend, enlarge, or restrict a statute or be inconsistent or in conflict with a statute.

The Department relied upon the following material in developing these proposed

regulations:

1. Sacramento and San Joaquin River Basins Comprehensive Study, Draft Interim Report, U. S. Army Corps of Engineers, Sacramento District, July 22, 2002. Used to provide guidance in writing assessment for habitat contribution. This document is available on the Internet at <http://www.compstudy.org/>.
2. Ecosystem Restoration Program Plan, Strategic Plan for Ecosystem Restoration, Final Programmatic EIS/EIR Technical Appendix, CALFED Bay-Delta Program, July 21, 2000. Used to provide guidance in writing assessment for habitat contribution. This document is available on the Internet at <http://www.calwater.ca.gov/Programs/EcosystemRestoration/EcosystemVol3RestorationPlan.shtml>.
3. Procedural Guide for the Riparian and Riverine Habitat Grant Program, State of California, The Resources Agency, Department of Parks and Recreation, October 2001. Used to provide guidance in writing assessment for habitat contribution. This document is available on the Internet at <http://www.parks.ca.gov/pages/1008/files/rrfinal.doc>.
4. Greenspace Acquisition Ranking Program (GARP): A Computer Assisted Decision Strategy, Computers, Environment, and Urban Systems, Vol. 12, 161-184, Grant Ian Thrall, Bert Swanson and D. Nozzi, 1988. Used to provide guidance in writing assessment for open space and recreational contributions. This document is available on the Internet at <http://www.clas.ufl.edu/users/thrall/reprints/ceus88/>.
5. Open Space and Recreation Plan Requirements, Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Boston, MA, undated. Used to provide guidance in writing assessment for open space and recreational contributions. This document is available on the Internet at <http://www.mass.gov/envir/dcs/pdf/planningRequirement.pdf>.
6. Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors, A Resource Book, National Park Service, Fourth Edition Revised, 1995. Used to provide guidance in writing assessment for recreational contributions. This document is available on the internet at <http://www.nps.gov/pwro/rtca/econindx.htm>.

The following discussion describes the specific purpose of each section of the proposed regulations and the reason why each is necessary. The AB1147 draft proposed regulations are underlined and Initial Statement of Reason comments are italicized.

AB1147 Draft Regulations

Proposed Text of Regulations

**In Title 23, California Code of Regulations, Division 2
Add Chapter 3.5, Sections 570 through 577 inclusive, to read as follows:**

CALIFORNIA CODE OF REGULATIONS BARCLAY'S OFFICIAL CALIFORNIA CODE OF REGULATIONS

Title 23. Waters Division 2. Department of Water Resources Chapter 3.5. Financial Assistance for Flood Management Projects and Small Flood Management Projects

Section 570. Scope

Reason:

This section states the overall intent of the AB1147 regulations and identifies the Water Code sections that provide authority to them. The section is necessary to relate the proposed regulations to the underlying statute and to identify their purpose.

Text:

These regulations implement Water Code Sections 12582.7, 12585.7 and 12585.9, which became effective on January 1, 2001, by establishing a process for determining the percentage of State financial assistance for flood management projects authorized by the Legislature on or after January 1, 2002.

Note: Authority: Water Code Sections 12585.7, 12585.9 and 12601.
Reference: Water Code Sections 12582.7 and 12585.7.

Section 571. Definitions

Reason:

This section is needed to define the terms used within the proposed regulations. When possible, shortened terms were defined to allow the proposed regulations to be easily understandable, and use only necessary words.

- (a) "Average family size" is a demographic term used by the U.S. Census Bureau.
- (b) "Benefited area" is a convenient term to describe a geographic area having certain flood protection qualifications.
- (c) "Block" is a geographic term used by the U.S. Census Bureau.

- (d) "Block group" is a demographic term used by the U.S. Census Bureau.
- (e) "Board" is a shortened term.
- (f) "Department" is a shortened term.
- (g) "Department or Board" is a shortened term.
- (h) "Estimated nonfederal capital cost" identifies a specific component of the project cost. Water Code Sections 12585.7 (a), (b), (c) and (d) define the percentages of the State's cost share towards the nonfederal capital costs.
- (i) "Estimated total capital cost" provides a term for a cost estimate made at a specific stage of a project and published in a specific way.
- (j) "Federal feasibility study report" conveniently identifies a class of report produced by various federal agencies at a certain stage of the project to provide the basis for the project construction authorization.
- (k) "Impoverished area" is a convenient term to describe a geographic area that has a median household income less than 120 percent of the poverty level. The Department of Finance, Financial, Economic and Demographic Research Unit has replaced the Population Research Unit referred to in Water Code 12585.7(d)(4).
- (l) "Median household income" is a demographic term used by the U.S. Census Bureau.
- (m) "Objective" provides a generic term for five goals that a project may contribute to in its design. The Water Code provides definitions for the five objectives, but doesn't give them identifying names. The proposed regulations provide names for these objectives.
- (n) AB1147 adds Section 12585.7(d)(4) to the Water Code. This section allows "an increased State cost share for projects that increase the level of flood protection within the benefited area of the project, if that area has a median household income that is less than 120 percent of the poverty level, as defined by the Department of Finance, Population Research Unit, for the year in which the project would be authorized." The definition differs from that in AB1147 because the Population Research Unit was replaced by the Demographic Resource Unit, whose current authority does not extend to defining poverty level. The Department of Finance refers to the Poverty Threshold Chart located on the U.S. Census Bureau's website. This method to define poverty level by the proposed regulations has been reviewed by the Department of Finance.
- (o) "Project" is a shortened way to refer to a flood management project eligible for State financial assistance.
- (p) "Sponsor" is a term to identify a local public agency that agrees to participate in the cost share and other duties of the project.
- (q) "Sponsor's Nonfederal Cost Sharing Report" is a report prepared by the Sponsor to document the sponsor's estimates of the contributions of the project to the objectives.
- (r) The proposed regulations cannot alter, amend, enlarge, or restrict a statute or be inconsistent or in conflict with a statute. Therefore, this definition is consistent with the definition of a Transportation facility, found in California Streets and Highways Code § 30005.
- (s) "State water supply facility" is a convenient term to describe a State water supply

facility that would benefit from increased flood protection. The eligible State water supply facilities, listed in Appendix I, were selected based on a consensus of the relative benefits provided by the structure to the public's general welfare and safety. AB1147 specifically defines these facilities as "State" facilities. This does not pertain to all water supply facilities located within the state of California because "State" is identified as a Governmental authority and not a general geographic area.

- (t) *"State cost share" is a term for referring to the percentage used to determine the amount of State financial assistance provided to a project, estimated by application of these proposed regulations and ultimately determined and authorized by the Legislature.*
- (u) *Each tract is made up of one or more block groups. This data can be obtained from the U.S. Census Bureau or other federal, state or local governmental demographics.*

Text:

The following terms used in these regulations have the meanings set forth below:

- (a) "Average family size" means the average family size for a block group. This data can be obtained from the U.S. Census Bureau or other federal, state or local governmental demographics.
- (b) "Benefited area" means the geographical area that is protected by a flood management project.
- (c) "Block" means the smallest subdivision within a census geographic tract. This data can be obtained from the U.S. Census Bureau or other federal, State or local governmental demographics.
- (d) "Block group" means a cluster of blocks within a census geographic tract. The block group is the smallest census unit to have demographic data. This data can be obtained from the U.S. Census Bureau or other federal, State or local governmental demographics.
- (e) "Board" means The Central Valley Flood Protection Board.
- (f) "Department" means the Department of Water Resources.
- (g) "Department or Board" means the Board for projects over which the Board has jurisdiction, and the Department for all other projects.
- (h) "Estimated nonfederal capital cost" means that portion in dollars of the estimated total capital cost of a project determined by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service to be the financial responsibility of participants other than the United States, usually identified in the federal feasibility study report, final design memorandum or other approved federal project document.
- (i) "Estimated total capital cost" means the total project cost as identified in the final federal feasibility study report, final design memorandum or other approved federal project document. It includes all costs in the federal project subject to cost sharing, such as, construction, planning, engineering and design, construction management, lands, easements, relocations and land disposal and mitigation costs.

- (j) "federal feasibility study report" means the approved decision document used by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service, that establishes the feasibility for the project, and typically includes an environmental document prepared under the National Environmental Policy Act.
- (k) "Impoverished area" means a benefited area that has a median household income less than 120 percent of the poverty level, for the current or most recent year in which data is available at the time the analysis is performed to determine the recommended state cost share.
- (l) "Median household income" means the median household income for a block group. This data can be obtained from the U.S. Census Bureau or other federal, State or local governmental demographics.
- (m) "Objective" means the feature, character, or quality described in Water Code Sections 12585.7(d)(1) through 12585.7(d)(5).
 - (1) "Habitat objective" means the objective described in Water Code Section 12585.7(d)(1).
 - (2) "Open Space objective" means the objective described in Water Code Section 12585.7(d)(2).
 - (3) "Recreation objective" means the objective described in Water Code Section 12585.7(d)(3).
 - (4) "Impoverished Area objective" means the objective described in Water Code Section 12585.7(d)(4).
 - (5) "State Facilities objective" means the objective described in Water Code Section 12585.7(d)(5).
- (n) "Poverty level" means the monetary income standard that defines whether a family qualifies as living in a state of poverty. The poverty level is determined by using the U.S. Census Bureau's Poverty Thresholds Chart for the current or most recent year in which data is available, average family size and the median household income, at the time the analysis is performed to determine the recommended state cost share. On the Poverty Threshold Chart, the poverty level is determined by rounding up the value of the average family size, locating that rounded up value on the size of family unit column and locating the corresponding value in the weighted average thresholds column. The corresponding weighted average threshold value is considered to be the poverty level value.
- (o) "Project" means a flood management project receiving financial assistance under Chapter 1 through 4, Part 6, Division 6 of the California Water Code and authorized by the Legislature on or after January 1, 2002, or a small flood management project authorized by Water Code Section 12750 for which the Department of Water Resources has made the findings required by Water Code Section 12750.1 on or after January 1, 2002.
- (p) "Sponsor" means the local public agency or lead local public agency sharing in the nonfederal project cost.
- (q) "Sponsor's nonfederal Cost Sharing Report" is a report prepared by the sponsor to document the sponsor's estimates of the contributions of the project to the objectives of Water Code Sections 12585.7(d)(1) through 12585.7(d)(5). The requirements of this report are described in Sections 574 and 575 of these

proposed regulations.

- (r) "State transportation facility" means all facilities for the transportation of passengers and property to and over any toll bridge, tube or other highway crossing and the approaches to each end thereof, acquired or constructed, to be acquired or constructed, or in course of construction. State transportation facility includes terminals, stations, viaducts, rails, tracks, power stations, substations and equipment and power supply lines, storage yards, and the real property, easements, and rights of way upon which any of them are located or situated or which are necessary therefore, and equipment, signals and interlockers, cars and rolling stock, and franchises, rights, and privileges appurtenant thereto.
- (s) "State water supply facility" is a State water supply facility listed in Appendix I, "Water Supply Facilities of the State Water Project."
- (t) "State cost share" means the percentage of the nonfederal costs that the state is required to pay pursuant to Water Code Section 12585.7.
- (u) "Tract" means the census derived geographic subdivisions of a county.

Note: Authority: Water Code Sections 12585.7 and 12601.

Reference: Water Code Sections 12582.7 and 12585.7.

Section 572. Process to Determine Project Eligibility

Reason:

AB 1147 added Section 12582.7(5)(b), which requires the Board or Department to submit a report to the Legislature indicating whether the project meets requirements and is eligible for State authorization. This section describes State and local sponsoring agency's coordination and reporting requirements, and is necessary to assure State review of the federal feasibility study for the opportunities to include multipurpose objectives before determining State participation in a project. The purpose of the review and oversight of the project scoping and planning processes is to identify alternatives to meet the flood management objectives of the project and evaluate opportunities for the project to contribute to the multipurpose objectives set forth in Water Code Sections 12585.7(d)(1) through 12585.7(d)(5).

- (a) AB 1147 requires the Department or Board to assume an advisory role prior to State Authorization. This subsection sets up a field review of the project site and features, defines participants' role in the notification, and sets a timeline for notification. It is also required to make the process open to comment from interested parties including the general public and to assure that they are informed appropriately about the opportunity to participate in the field review. The chosen time period provides sufficient time for inspection tour notifications. The contingency on sufficient funds is allowed by Water Code Section 12582.7(b)(2).*
- (b) This subsection sets a timeline for State cost share notification of the recommended State cost share percentage contribution. The chosen time*

period provides sufficient time for project review, document preparation, and Department or Board approval.

Text:

- (a) As soon as practical, a Sponsor shall notify the Department or Board in writing when it intends to participate in a federal feasibility study that would result in a request for State cost sharing for a flood damage reduction project. The Department will need to be notified for a project that is in the state of California but not on lands along the Sacramento and San Joaquin River and their tributaries and distributaries for which the Board had given assurances to the federal government. Otherwise, the Board will need to be notified for projects on lands along the Sacramento and San Joaquin River and their tributaries and distributaries for which the Board has given assurances to the federal government or will provide the State cost sharing. Following the notification and throughout the course of the study, the Department or Board staff shall review the initial scoping process, feasibility evaluation, environmental review, and project approval process to inform the Sponsor when the opportunities for including multipurpose objectives in the project have been adequately evaluated. While developing recommendations regarding the State cost share, the Department or Board may consult with the Sponsor, any person or organization, local agencies, and State agencies with an interest in or jurisdiction over any of the objectives of the project.
- (b) The Department or Board shall use the following process to determine project eligibility for State cost-sharing as required by Water Code Section 12582.7(b):
 - (1) During the preparation of the federal feasibility report, the Department or Board staff shall attend a site inspection tour of the project arranged by the Sponsor. If the project is past the feasibility phase, then the Sponsor shall arrange for this tour as soon as reasonably possible. The Sponsor shall invite interested local and state agencies, organizations and persons, including the general public, by providing written or other reasonable notifications and publication at least 10 calendar days before the tour. The Sponsor shall give a field and informational tour of the project. This site tour and Department or Board attendance is contingent upon the appropriation of sufficient funds.
 - (2) Within 120 days after the site inspection tour, the Department or Board shall provide the Sponsor with a written preliminary determination of eligibility for State participation and an estimate of the percent of the State cost share.

Note: Authority: Water Code Sections 12585.7 and 12601.
Reference: Water Code Sections 12582.7 and 12585.7.

Section 573. Contents of Sponsor's Draft Nonfederal Cost-Sharing Report

Reason:

This section defines the information that must be contained in the local sponsor's report that will be used to evaluate the potential contribution of the project to each objective. It specifies where this information should be taken from and requires submittal of other reference materials if presented in the report. The section is necessary to establish consistency in the information provided and in the evaluation process.

Subsection (a) requires an overview of the project.

Subsection (b) identifies project contributions; and requires submittal of the data and references used to evaluate the project's contribution. Data is required for only those objectives for which the project will make a contribution. Each item required is necessary to complete the procedure given in Section 574 of the proposed regulation, which is described below. This information is the core of the report and necessary to enable the Department and Board staff to evaluate and verify the local sponsoring agency's estimates.

Subsection (c) requires a summary of the estimated costs needed to make the report a complete reference for an estimate of the State's financial contribution to a project. If there is an increase in the level of flood protection for state facilities, Water Code Section 12582.7(c) allows the Department or Board to recommend flood control projects for which the total annual benefit of providing flood protection does not exceed the annual cost of the project allocable to flood management.

Subsection (d) requires the local agency's estimates of potential contributions. This is the required result of the report and provides the local sponsoring agency a voice in determining the project's contribution to the objectives.

Text:

The Sponsor's Draft Nonfederal Cost-Sharing Report shall contain the following substantiating information taken from the federal feasibility study report and other supporting documents:

- (a) A description of the project.
- (b) The project's proposed contribution for each of the multipurpose objectives:
 - (1) For the habitat objective:
 - (A) A narrative description of the elements of the project that contribute to the habitat objective and the types of habitat that are created, protected or enhanced by this project; and
 - (B) The method of calculating the percentage of the estimated nonfederal capital costs that contribute to the habitat objective.
 - (2) For the open space objective:

- (A) A narrative description of the elements of the project that contribute to the open Space objective; and
- (B) The method of calculating the percentage of estimated nonfederal capital costs that contribute to the open space objective.
- (3) For the recreation objective:
 - (A) A narrative description of the elements of the project that contribute to the recreation objective;
 - (B) The method used to calculate the accessible and inaccessible areas of project works, and the method of determining any areas withdrawn from public access because such access would constitute a threat to public safety or habitat, or would constitute a trespass on private property; and
 - (C) The method of calculating the percentage of the estimated nonfederal capital costs that contributes to the recreation objective.
- (4) For the impoverished area objective:
 - (A) A narrative description of the elements of the project that contribute to the impoverished area objective; and
 - (B) The rationale used in determining the project's contribution towards the impoverished area objective.
 - 1. The method used to calculate the project's contribution towards the impoverished area objective. Provide detailed calculations regarding the increased level of flood protection for the benefited area, median household income and poverty level determination.
 - 2. The source documentation used to evaluate the potential contribution, including publication and compilation dates. The latest decennial U.S. Census Bureau data is the Department's preferred choice of data source; however, a Sponsor may elect to use an alternative method that has been certified as equitable by the Department, such as the American Community Survey (starting in 2010). All data that is used for evaluation must be applicable to the same year, originate from reliable sources and have details given down to the census block group level or better.
 - 3. A map of the benefited area clearly showing identified boundaries of flood protection levels and census blocks, block groups and tracts. Blocks chosen for evaluation must lie at least 50 percent within the benefited area.
- (5) For the state facilities objective:
 - (A) A narrative description of the state water supply and state transportation facilities receiving an increase in flood protection from this project; and
 - (B) The rationale used in determining the project's contribution towards the state water supply and transportation facilities objective.
 - 1. The method used to calculate the project's contribution towards the state facilities objective. Provide specific details regarding flood protection improvement and the effect upon water supply and transportation facilities.
 - 2. A map of the benefited area clearly showing identified boundaries of flood protection levels and state water supply and state transportation facilities.

(c) The following estimated costs:

- (1) Total capital cost;
- (2) The nonfederal share of the total capital cost;
- (3) The nonfederal capital costs of fish, wildlife, and recreation mitigation;
- (4) The nonfederal planning and engineering costs;
- (5) The total annual value of the benefit of providing flood protection; and
- (6) The annual cost of the project allocable to flood management when the project increases the level of flood protection for state facilities.

(d) The Sponsor's estimated share of the capital cost of the project towards each of the five multipurpose objectives (Water Code 12585.7d (1) through d(5)).

Note: Authority: Water Code Sections 12601.

Reference: Water Code Sections 12582.7 and 12585.7.

Section 574. Method to Determine a Significant Contribution of a Project to the Objectives

Reason:

The statute underlying the significance of contributions to the objectives is Water Code 12585.7(d), which establishes a 20 percent increase in State funding depending on contributions to five objectives. The statute does not give relative weights to the five objectives or assign portions of the potential increase to individual objectives. The Department's objective is to provide economic incentive to the local agency to include multipurpose features within the project by setting minimum thresholds for a significant contribution.

The Department considered three alternatives for how much additional State cost sharing would be provided for each significant contribution to project objectives:

Alternative 1. To require that the project meet only one significant contribution to project objectives in order to increase the State cost share by 20 percent.

Alternative 2. To require that the project meet two significant contributions to project objectives in order to increase the State cost share by 20 percent.

Alternative 3. To require that the project meet all five significant contributions to project objectives in order to increase the State cost share by 20 percent.

Alternative 1 was rejected because the language of AB1147 states that "the state share of the nonfederal capital costs authorized in subdivision (a), (b), and (c) may be increased by up to an additional 20 percent ...". The words "up to" are unnecessary if the Legislature intended for the full 20 percent increase in state cost share to occur with

only one project objective being met. Therefore, the legislature must have intended for more than one objective to be met in order for the state cost share to increase by 20 percent. Alternative 3 was rejected because it goes far beyond what can be determined to be the Legislature's intent. Alternative 2 was selected as meeting the Legislature's intent and providing a simple and effective way to increase the state cost share for projects that achieve at least two project objectives.

The Department considered the following alternatives for developing criteria to determine the value of a project's contribution to the objectives of Water Code Section 12585.7:

Alternative 1. To require the local sponsoring agency to apply for the additional funding by providing only a written narrative describing the project's contribution to one or more of the objectives of Water Code Section 12585.7. This alternative would give local agencies a stake in the process of determining the extent of State participation. It would encourage local agencies to include features in the project that contribute to the objectives.

Alternative 2. To require the local sponsoring agency to apply for additional funding by providing a report citing specific facts related to each objective. This would improve consistency over Alternative 1, and it would still encourage the local agency to consider including contributions to the objectives.

Alternative 3. To develop a checklist of criteria based on specific and readily obtainable facts, to be applied directly by the Department or Board.

Alternative 1 was rejected because it is a prescriptive standard that is difficult to apply consistently. Alternative 3 was rejected because a performance standard would not account for the variety amongst projects. Alternative 2 was chosen, through which these proposed regulations would implement both performance and prescriptive standards.

For the Habitat, Open Space and Recreation objectives, the sponsor must meet a performance standard by contributing a minimum percentage of nonfederal capital costs towards an objective in order to be considered significant. When project funds are not allocated to enhance the objective, there is no contribution. This reasoning leads to the conclusion that the increase in State financial participation should be directly related to the cost of the contributions. With that in mind, the Department has chosen two levels of reimbursement that match the prerequisite 5 and 10 percent contribution levels.

For the Impoverished Area and State Facilities objectives, the sponsor must meet a prescriptive standard by demonstrating that when a cost is associated with a significant contribution, the project features meet specific criteria for each of the project objectives.

Subsection (4) defines the two parameters for determining the project's contribution to the Impoverished Area objective. For the Impoverished Area objective, a significant

contribution requires a 10 percent increase in flood protection because less than a 10 percent increase in flood protection is not considered to be a significant increase. This threshold is usually met by federal flood management projects.

The proposed method for calculating the benefited area's median household income is less than 120 percent of the poverty level must be easily understandable and be the least burdensome, effective alternative. Therefore, the proposed regulations used parameters - median household income, family size and poverty level - that apply to the project area block group data and are readily available on the U.S. Census Bureau's website. On this website, the latest decennial census data is used to provide a common source and year of applicability. The chosen median household income and family size are taken as the averages for the block group(s). Starting in 2010, the decennial census data will no longer be provided on the U.S. Census Bureau's website. The required 2010 data will still be found on the U.S. Census Bureau's website, under the American Community Survey (ACS) weblink, which will replace the decennial census as the source of the required data. The median household income and family size data will be need to be taken from the most recent listing of the ACS five-year average data (this is an average of five previous consecutive years). The ACS five-year data will encompass data collected down to the required block group level for all population threshold areas. Poverty level is a money income threshold used by the U.S. Census Bureau, and thus, the Department of Finance, that does not vary geographically, but rather by family size and is updated annually. The rounded up family size value is located on the Poverty Threshold Chart's weighted average threshold column to make it easier and simpler for the Sponsor to achieve this difficult goal and for the State to evaluate. AB 1147 requires the use of the poverty level and median household income to determine when a project meets the Impoverished Area objective.

Subsection (5) defines the parameters for determining the project's contribution to the State Facilities objective. The statute allows an increased State cost share for projects protecting State transportation facilities or State water supply facilities. For the State Facilities objective, a significant contribution requires a 10 percent increase in flood protection to the facility because less than a 10 percent increase in flood protection is not considered to be a significant increase. This threshold is usually met by federal flood management projects, except perhaps to lands or facilities that are at the periphery of the benefited area.

Water Code Section 12585.7(d) allows an increase in the State Share of the nonfederal capital costs based on a significant contribution linked to an increased level of flood protection. There are several possible methods to quantify an increased level of flood protection.

*FEMA has traditionally used a deterministic design approach based on the **expected** (median, or 50% probability of non-exceedance) water surface elevation for a given flood frequency event. The levee must then be analyzed for stability and seepage based on this water surface and a minimum amount of freeboard (typically three feet) provided above this water surface. The Corps has abandoned this deterministic*

approach and is now moving to require that risk and uncertainty be explicitly incorporated in determining the design water surface elevation for the analysis of slope stability and seepage. However, the Corps has not established a clear policy on whether and when upstream levees fail or a clear design approach for analysis of levee slope stability and seepage. The Corps has been unclear on how it performs geotechnical analysis, but seems to be using conventional deterministic geotechnical analysis techniques based upon a risk-based water surface (90% probability of non-exceedance) and/or by setting the design water surface at the top of the levee, whichever is the higher water surface. Furthermore, the Corps is trying to replace the deterministic geotechnical analysis method with a new risk-based geotechnical analysis method currently under development and to get FEMA to abandon its deterministic method and use the Corps' risk based method.

Many communities will need to demonstrate within the next two years that the levees provide at least 100-year (1% annual chance) flood protection. Without documentation of this, FEMA will quite likely map these communities into the FEMA 100-year floodplain and require mandatory flood insurance and building restrictions within the next three years. Both State policy and recently enacted State legislation (Senate Bill 5) call for 200-year (0.5% annual chance) flood protection to be the minimum level of protection for urban areas in the Central Valley. Senate Bill 5 sets a target date of 2025 for all urban areas protected by State-federal levees to achieve 200-year flood protection, and calls for building limitations after 2015 if adequate progress towards achieving this standard is not met.

Both the Corps and FEMA are currently in the process of revising their flood protection criteria. At this point in time, neither agency is able to provide clear, detailed, or definitive criteria for the design of levee systems. Further, the Corps' Risk and Uncertainty approach requires new hydrologic and hydraulic analyses that will be both difficult and take time to complete. Accordingly, to avoid delays in providing urgently needed State financial assistance, a method to quantify an increased level of protection is not specified.

Text:

- (a) The Sponsor's Draft Nonfederal Cost-Sharing Report will be reviewed by an interdisciplinary Department or Board team comprised of at least three technical experts in the area of flood management and Habitat, Open Space and/ or Recreation. After the technical review, the evaluation team will provide a narrative explanation for the project's total contribution level and the percentages of nonfederal capital costs assigned to each of the multipurpose objectives. The method of calculating the total Recommended State cost share is provided in Section 575.
- (b) The threshold for significant contributions for the Open Space, Habitat and Recreation objectives must be met when a minimum of 5 percent of the nonfederal capital costs are spent for meeting an objective. Nonfederal capital

costs spent for meeting an objective cannot be considered as applying towards any other objective. A project with less than 5 percent of the nonfederal capital costs allocated to Open Space, Habitat, or Recreation objective does not meet the criteria for a significant contribution.

- (c) Significant contributions to both the Impoverished Area and State Facilities objectives must be met when a project provides a ten percent or greater increase in flood protection to the Impoverished Area and State Facilities.
- (d) The Department or Board team review process will use the following criteria to determine the costs associated with meeting the level of contribution for each of the multipurpose project objectives:
 - 1) Habitat objective. A significant contribution for the Habitat objective requires that at least 5 percent of the project's estimated nonfederal capital costs are contributed towards protecting, creating, enhancing, or providing opportunities for enhancing endangered species, riparian, aquatic, terrestrial, or other important habitats. These habitat improvements must achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:
 - (A) Promote recovery of at-risk native fish, vegetation or wildlife species;
 - (B) Improve ecological functions of aquatic and/or terrestrial habitats to support sustainable populations of diverse fish, vegetation, and wildlife species;
 - (C) Improve conditions for upstream migration, spawning, egg incubation, emergence, rearing and emigration of priority fish species through adjustment of river flows and temperature;
 - (D) Cause increases in early lifestage survival for priority fish species;
 - (E) Improve fish passage through modification or removal of barriers;
 - (F) Influence geomorphic processes within the floodplain in a manner that improves habitat or reduces the potential for fish stranding;
 - (G) Enhance natural processes to support, with minimal human intervention, natural habitats that support native species;
 - (H) Remove and/ or prevent the establishment of non-native species; or
 - (I) Provide other important habitat restoration opportunities.
 - (2) Open Space objective. A significant contribution for the Open Space objective requires that at least 5 percent of the project's estimated nonfederal capital costs are contributed towards the acquisition and preservation of agricultural or other undeveloped lands that provide for the conveyance and/ or storage of flood waters, groundwater recharge, recreational, or wildlife habitat use. Such lands may be acquired in fee or in the form of a flowage or other open space easement that secures the rights necessary for the conveyance and/ or storage of flood waters. These open space improvements shall achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:
 - (A) Preserve cultural/historical, scenic, agricultural, or habitat values;

- (B) Serve as a buffer zone between potentially conflicting land uses;
 - (C) Facilitate sediment management;
 - (D) Promote groundwater recharge;
 - (E) Provide a linkage between open space areas; or
 - (F) Provide other important open space attributes.
- (3) Recreation objective. A significant contribution for the Recreation objective requires that at least 5 percent of the project's estimated nonfederal capital costs are contributed towards recreational improvements such as picnic areas, foot and bike paths and provides public access to all or nearly all of the project works, except those areas where public access would constitute a threat to public safety or habitat or would constitute a trespass on private property. These recreation improvements shall achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:
- (A) Develop and maintain trails for pedestrians, bicycles, and/or equestrians;
 - (B) Modify the operation of flood control facilities to increase the diversity and duration of recreational opportunities;
 - (C) Enhance the condition and quality of existing recreational facilities;
 - (D) Provide facilities for rafting, canoeing, boating, fishing, viewing wildlife, swimming or other water dependent activities;
 - (E) Provide interpretive facilities and services that enhance visitor appreciation of natural, historical, and cultural resources;
 - (F) Relocate major trails to avoid flooding so that they may remain open all year;
 - (G) Enhance public beach areas;
 - (H) Provide linkage between recreational areas; or
 - (I) Provide other important public recreation opportunities.
- (4) Impoverished Area objective. A significant contribution for the Impoverished Area objective requires that: 1) the benefited area receives a 10 percent increase in flood protection and 2) the benefited area's median household income is less than 120 percent of the poverty level. The increase in flood protection will be determined from the federal Feasibility Study Report. If U.S. Census Bureau website data is chosen, then the following steps will be used to determine if the median household income is less than 120 percent of the poverty level:
- (A) The benefited area will be evaluated to determine the applicable block groups.
 - (B) For the applicable block groups, the median household income and average family size will be determined.
 - (C) The average family size, rounded up to the next integer, will be used on the latest decennial Poverty Threshold Chart to locate the corresponding poverty level on the chart's weighted average threshold column.
 - (D) The median household income will be compared to 120 percent of the poverty level.

The Sponsor may choose an alternative calculation method for the Impoverished Area objective, such as the American Community Survey (starting in 2010). That method must be certified as acceptable to the Department of Finance prior to any consequent Department evaluations.

- (5) State Facilities objective. A significant contribution for the State Facilities objective requires that State transportation facilities or State water supply facilities receive a 10 percent increase in flood protection. The increase in flood protection will be determined from the federal Feasibility Study Report, or from supplemental information as appropriate.

Note: Authority: Water Code Sections 12585.7 and 12601.
Reference: Water Code Section 12585.7.

Section 575. Method for Determining Recommended State Cost Share

Reason:

This section provides the mechanics of using the percentage contributions to the objectives to obtain the recommended State cost share. The State cost share is stated to be the statutory 50 percent plus the recommended percentage increase of 5 or 10 percent per significant contribution, up to a maximum of 70 percent. The section is necessary to add the contributions to the statutory objectives and define the final step in the calculation.

The method for determining the recommended State cost share was developed to encourage projects that consider effective floodplain management policies. The proposed regulations require meeting more than one objective to get the maximum 70 percent to encourage multipurpose projects. Projects that contribute between 5 and 10 percent of the project's estimated nonfederal capital costs to the Open Space, Habitat or Recreation objective are encouraged to contribute at least ten percent.

When existing or future amendments to Water Code, Division 6, Part 6, Chapters 1, 2, and 3 are not consistent with the recommended State cost share, the percentages in Water Code will be used.

Text:

The recommended State cost share is a baseline 50 percent plus the recommended percentage increases for the multipurpose objectives, up to a maximum total of 70 percent, notwithstanding any other provisions stated within the Water Code, Division 6, Part 6, Chapters 1, 2 and 3. The recommended percentage increases will be:

- (a) 0 percent, if the objectives are not met;
- (b) 5 percent for each Habitat, Open Space, or Recreation significant contribution when at least 5 percent and less than 10 percent of the nonfederal capital costs are spent for meeting an objective;

- (c) 10 percent for each, Habitat, Open Space or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least 10 percent;
- (d) 10 percent for each Impoverished Area or State Facilities objective significant contribution.

Note: Authority: Water Code Sections 12585.7 and 12601.
Reference: Water Code Section 12585.7.

Section 576. Report to the Legislature

Reason:

Section 576 makes specific the contents of the report to the Legislature required by Water Code Section 12582.7(b)(1), or an addendum to that report, insofar as the report or addendum relates to increasing the State cost share of a project. Water Code Section 12585.7(e)(1) requires that the report or addendum include the Department or Board recommendations with regard to increased cost sharing. The proposed regulation requires that all of the basic information leading up to a determination of the State cost share must be included in the report. The provision is necessary to ensure that the information is in the record, as Water Code Section 12585.7(e)(2) requires. This section describes the State and Local sponsoring agency's coordination and reporting requirements. The section is necessary to govern the procedure for recommending and estimating State participation in a project.

Subsection (a) describes a specific stage of the project that requires the local sponsor to provide a report that will be used to evaluate the State cost share. The local sponsor's submittal of this report initiates the State's determination of the State cost share.

Subsection (b) provides a State review of the information that the local agency submits and requires that the Department or Board staff accept it as complete or to return it as incomplete for correction.

Subsection (c) provides the preparation requirements for a draft report to the Legislature. The chosen time period provides sufficient time for report circulation and public review.

Subsection (d) specifies items the Sponsor must submit to the Department or Board for recommending the State cost share to the Legislature.

Subsection (e) requires the Department or Board to approve a recommended State cost share. It is the final administrative step before submittal to the Legislature for State authorization.

Text:

- (a) Once the project is federally authorized, the Sponsor will finalize and submit a Nonfederal Cost Sharing Report to the Department or Board. The Local Sponsoring Agency will notify the Department when a project that does not involve lands along the Sacramento and San Joaquin River and their tributaries and distributaries may be eligible for State financial assistance; and will notify the Board of a project that involves lands along the Sacramento and San Joaquin River and their .0tributaries and distributaries for which the Board has given assurances to the federal government or will provide the State cost sharing. This report must document the effect of the project's Nonfederal capital contributions to the multipurpose objectives using the methods set forth in Sections 573 and 574, and estimate the cost to the State for the State's share of the Nonfederal capital costs of the project.
- (b) The Department or Board will review the Sponsor's Nonfederal Cost Sharing Report for completeness and accuracy, and, if necessary, return it to the Sponsor for revisions based upon comments and recommendations of the Department or Board. The Department or Board must notify the Sponsor in writing upon determination that the Sponsor's Nonfederal Cost Sharing Report meets the requirements set forth in 12582.7(a).
- (c) Within 30 days of determining that the Sponsor's Nonfederal Cost Sharing Report meets the requirements set forth in 12582.7(a), the Sponsor must circulate the Sponsor's Nonfederal Cost Sharing Report to the Legislature and interested persons and organizations, and will allow written comments for 45 days.
- (d) The Sponsor will submit the following documents to the Department or Board: a Sponsor's Nonfederal Cost Sharing Report, including a response to public comments; and supporting documentation:
 - (1) For each objective, the level of the project's contribution and substantiating data listed in Sections 573 and 574.
 - (2) Team review recommended State cost share approved by the Department or Board.
 - (3) Substantiating data to demonstrate whether the project meets the requirements set forth in Water Code Sections 12582.7(a) and 12585.9 regarding the mitigation of individual or cumulative hydraulic impacts.
 - (4) Supporting documentation including but not limited to Federal Feasibility Report and environmental documents.
- (e) The Department or Board will approve a final recommended State cost share and forward the final Report and supporting documentation to the Legislature.

Note: Authority: Water Code Sections 12582.7, 12585.7, 12585.9 and 12601.
Reference: Water Code Sections 12585.7.

Section 577. Finality of Authorized State Cost Share; Adjustment

Reason:

This section defines the final value for the State cost share and provides for a possible adjustment to that value when certain conditions exist. The section identifies the

ultimate authority and definitive value of the State cost share. It is necessary to make specific the final value for cost sharing agreements between the State and the local agency, the State financial assistance to a project, when this value may be changed.

Subsection (a) allows the Department or Board to propose an adjustment to the authorized State cost share when the project scope or costs change substantially. It is necessary to define when and how an adjustment is to be done. If an adjustment is justified, it requires the preparation of a revised report to the Legislature. The revised report is needed to ensure that the information supporting the proposed new State cost share is in the record and to provide a medium for requesting new Legislative authorization.

Subsection (b) allows the Department or Board the authority to demand a reimbursement for State overpayment. It is necessary so that State overpayment can be re-encumbered.

Text:

The State cost share authorized by the Legislature will be the final value, except in the circumstances described below.

- (a) If the Department or Board determines that there has been a substantial change in the project, which would materially alter the scope or function of a project, or the estimated total project cost has changed by 30 percent or more, the contributions to the objectives and the recommended State cost share must be recalculated using the methods described in Section 574 and 575. If the resulting recommended State cost share is different than the previously authorized State cost share, the Department or Board will submit the revised information to the Legislature as an addendum to the report as required by Water Code Subsection 12582.7(b). The addendum must include all the items required in Section 576.
- (b) If the Legislature authorizes a new State cost share that is less than the previously authorized State cost share, then the new State cost share will apply, and the Department and the Board may seek a refund of project reimbursements made or withhold further reimbursements until the revised contribution percentage is achieved.
- (c) If the Legislature authorizes a new State cost share that is more than the previously authorized State cost share, then the new State cost share will apply and the Department or Board must pay additional costs authorized by the Legislature as funds may be available.

Note: Authority: Water Code Sections 12582.7, 12585.7 and 12601.
Reference: Water Code Sections 12585.7.

Appendix I
Water Supply Facilities of the State Water Project

Reason:

This section lists the State water supply facilities for the Section 575 State Facilities objective. It is necessary to specify the facilities that can be used for the objective.

Text:

Part A. Aqueducts of the State Water Project, including joint use facilities:

1. <u>Upper Feather River Division</u>	<u>Tunnel</u>
a. <u>Grizzly Valley Pipeline</u>	e. <u>East Branch Aqueduct</u>
2. <u>Oroville Division</u>	9. <u>Santa Ana Division</u>
a. <u>Thermalito Power Canal</u>	a. <u>San Bernardino Tunnel</u>
3. <u>North Bay Aqueduct</u>	b. <u>Santa Ana Pipeline</u>
a. <u>Napa Pipeline</u>	10. <u>West Branch</u>
b. <u>Phase II Pipeline</u>	a. <u>Oso Canal</u>
4. <u>South Bay Aqueduct</u>	b. <u>Quail Canal</u>
a. <u>Brushy Creek Pipeline</u>	c. <u>Lower Quail Canal</u>
b. <u>Dyer Canal</u>	d. <u>Peace Valley Pipeline</u>
c. <u>Altamont Pipeline</u>	e. <u>Gorman Creek Channel Improvements</u>
d. <u>Livermore Valley Canal</u>	f. <u>Angeles Tunnel</u>
e. <u>Alameda Canal</u>	11. <u>Coastal Branch</u>
f. <u>Del Valle Pipeline</u>	a. <u>Coastal Aqueduct</u>
g. <u>Del Valle Branch Pipeline</u>	b. <u>Phase I Canal</u>
h. <u>La Costa Tunnel</u>	c. <u>Phase II Pipeline:</u>
i. <u>Sunol Pipeline</u>	A. <u>Reach No. 1 - Devil's Den to</u>
j. <u>Mission Tunnel</u>	<u>Cholame Valley</u>
k. <u>Santa Clara Pipeline</u>	B. <u>Reach No. 2 - Cholame Valley to</u>
5. <u>Governor Edmund G. Brown</u>	<u>Shedd Canyon</u>
<u>California Aqueduct</u>	C. <u>Reach No. 3 - Shedd Canyon to</u>
6. <u>San Luis Division</u>	<u>Calf Canyon</u>
a. <u>E.G. Brown California Aqueduct</u>	D. <u>Reach No. 4 - Calf Canyon to</u>
b. <u>San Luis Canal</u>	<u>Cuesta Canyon</u>
6. <u>South San Joaquin Division</u>	E. <u>Cuesta Tunnel</u>
a. <u>E.G. Brown California Aqueduct</u>	F. <u>Reach No. 5A1 - Cuesta Tunnel to</u>
7. <u>Tehachapi Division</u>	<u>Fiscalini Ranch</u>
a. <u>Tehachapi Tunnel No. 1</u>	G. <u>Reach No. 5A2 - Fiscalini Ranch to</u>
b. <u>Tehachapi Siphon No. 1</u>	<u>Talley Farms</u>
c. <u>Tehachapi Tunnel No. 2</u>	H. <u>Reach No. 5B- Talley Farms to</u>
d. <u>Pastoria Siphon</u>	<u>Nipomo</u>
e. <u>Tehachapi Tunnel No. 3</u>	I. <u>Reach No. 6 - Nipomo to</u>
f. <u>Carley V. Porter Tunnel</u>	<u>Vandenberg Air Force Base</u>
8. <u>Mojave Division</u>	
a. <u>Cottonwood Chutes</u>	
b. <u>Mojave Siphon</u>	
c. <u>Mojave Siphon Second Pipeline</u>	
d. <u>Mojave Siphon Powerplant Tunnel</u>	

Part B. Hydroelectric or pumping plants of the State Water Project:

<ol style="list-style-type: none"> 1. <u>Oroville Division</u> <ol style="list-style-type: none"> a. <u>Edward Hyatt Powerplant</u> b. <u>Thermalito Powerplant</u> c. <u>Thermalito Diversion Dam Powerplant</u> d. <u>Sutter-Butte Outlet Powerplant</u> 2. <u>North Bay Aqueduct</u> <ol style="list-style-type: none"> a. <u>Barker Slough Pumping Plant</u> b. <u>Cordelia Pumping Plant</u> 3. <u>South Bay Aqueduct</u> <ol style="list-style-type: none"> a. <u>South Bay Pumping Plant</u> b. <u>Del Valle Pumping Plant</u> 4. <u>North San Joaquin Division</u> <ol style="list-style-type: none"> a. <u>Harvey O. Banks Delta Pumping Plant</u> 5. <u>San Luis Division</u> <ol style="list-style-type: none"> a. <u>William R. Gianelli Pumping – Generating Plant</u> b. <u>Dos Amigos Pumping Plant</u> 6. <u>South San Joaquin Division</u> <ol style="list-style-type: none"> a. <u>Buena Vista Pumping Plant</u> b. <u>John R. Teerink Wheeler Ridge Pumping Plant</u> c. <u>Ira J. Chrisman Wind Gap Pumping Plant</u> 	<ol style="list-style-type: none"> 7. <u>Tehachapi Division</u> <ol style="list-style-type: none"> a. <u>A.D. Edmonston Pumping Plant</u> 8. <u>Mojave Division</u> <ol style="list-style-type: none"> a. <u>Alamo Powerplant</u> b. <u>Pearblossom Pumping Plant</u> c. <u>Mojave Siphon Powerplant</u> 9. <u>Santa Ana Division</u> <ol style="list-style-type: none"> a. <u>Devil Canyon Powerplant</u> 10. <u>West Branch</u> <ol style="list-style-type: none"> a. <u>Oso Pumping Plant</u> b. <u>William E. Warne Powerplant</u> c. <u>Castaic Powerplant</u> 11. <u>Coastal Branch</u> <ol style="list-style-type: none"> a. <u>Las Perillas Pumping Plant</u> b. <u>Badger Hill Pumping Plant</u> c. <u>Devil's Den Pumping Plant</u> d. <u>Bluestone Pumping Plant</u> e. <u>Polonio Pass Pumping Plant</u>
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Part C. Reservoirs or dams of the State Water Project:

<ol style="list-style-type: none"> 1. <u>Upper Feather River Division</u> <ol style="list-style-type: none"> a. <u>Frenchman Dam</u> b. <u>Frenchman Lake</u> c. <u>Antelope Dam</u> d. <u>Antelope Lake</u> e. <u>Grizzly Valley Dam</u> f. <u>Lake Davis</u> 2. <u>Oroville Division</u> <ol style="list-style-type: none"> a. <u>Oroville Dam</u> b. <u>Lake Oroville</u> c. <u>Parish Camp Saddle Dam</u> d. <u>Bidwell Canyon Saddle Dam</u> e. <u>Feather River Fish Barrier Dam</u> f. <u>Thermalito Diversion Dam</u> g. <u>Thermalito Diversion Pool</u> h. <u>Thermalito Forebay Dam</u> i. <u>Thermalito Forebay</u> j. <u>Thermalito Afterbay Dam</u> k. <u>Thermalito Afterbay</u> 3. <u>North Bay Aqueduct</u> <ol style="list-style-type: none"> a. <u>Napa Turnout Reservoir</u> 	<ol style="list-style-type: none"> 6. <u>San Luis Division</u> <ol style="list-style-type: none"> a. <u>O'Neill Dam</u> b. <u>O'Neill Forebay</u> c. <u>B.F. Sisk San Luis Dam</u> d. <u>San Luis Reservoir</u> e. <u>Los Banos Detention Dam</u> f. <u>Los Banos Reservoir</u> g. <u>Little Panoche Detention Dam</u> h. <u>Little Panoche Reservoir</u> i. <u>Arroyo Pasajero Impoundment Basin</u> 7. <u>Tehachapi Division</u> <ol style="list-style-type: none"> a. <u>Tehachapi Afterbay</u> 8. <u>Mojave Division</u> <ol style="list-style-type: none"> a. <u>Cedar Springs Dam</u> b. <u>Silverwood Lake</u> 9. <u>Santa Ana Division</u> <ol style="list-style-type: none"> a. <u>Devil Canyon Powerplant Afterbay</u> b. <u>Devil Canyon Powerplant Second Afterbay</u>
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<u>b. Cordelia Forebay</u> <u>4. South Bay Aqueduct</u> <u>a. Patterson Reservoir</u> <u>b. Del Valle Dam</u> <u>c. Lake Del Valle</u> <u>5. North San Joaquin Division</u> <u>a. Clifton Court Forebay Dam</u> <u>b. Clifton Court Forebay</u> <u>c. Bethany Dams</u> <u>d. Bethany Reservoir</u>	<u>c. Perris Dam</u> <u>d. Lake Perris</u> <u>10. West Branch</u> <u>a. Quail Lake</u> <u>b. Pyramid Dam</u> <u>c. Pyramid Lake</u> <u>d. Elderberry Forebay</u> <u>e. Elderberry Forebay Dam</u> <u>f. Castaic Dam</u> <u>g. Castaic Lake</u>
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Part D. Other water supply facilities of the State Water Project:

<u>1. Oroville Division</u> <u>a. Oroville Area Control Center</u> <u>2. North Bay Aqueduct</u> <u>a. Cordelia Surge Tank</u> <u>b. Creston Surge Tank</u> <u>c. Travis Surge Tank</u> <u>3. South Bay Aqueduct</u> <u>a. Santa Clara Terminal Facilities</u> <u>4. North San Joaquin Division</u> <u>a. Delta Area Control Center</u> <u>5. San Luis Division</u> <u>a. San Luis Area Control Center</u> <u>6. South San Joaquin Division</u> <u>a. Kern River Intertie</u> <u>b. San Joaquin Area Control Center</u> <u>7. Mojave Division</u> <u>a. First Los Angeles Aqueduct Connection</u> <u>a. Cedar Springs Dam Maintenance Station</u>	<u>8. Santa Ana Division</u> <u>a. San Bernardino Tunnel Intake Structure</u> <u>b. Perris Dam Maintenance Station</u> <u>9. West Branch</u> <u>a. Angeles Tunnel Intake Works</u> <u>b. Southern California Area Control Center</u> <u>10. East Branch</u> <u>a. First Los Angeles Aqueduct Connection</u> <u>11. Coastal Branch</u> <u>a. Tank Site 1 - Polonio Pass</u> <u>b. Tank Site 2 - Creston</u>
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